

Article - Environment

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§1-607.

(a) (1) This subsection applies to applications for all licenses and permits issued, or required to be reissued, by the Department.

(2) On or before January 1, 1998, and each year thereafter, in consultation with interested parties, the Department shall publish expected review times for each licensing and permitting program.

(3) On or before January 1, 1998, for each licensing and permitting program, the Department shall offer assistance and information to persons which may include:

(i) Written lists of information and materials required with applications;

(ii) Written lists of common application questions and mistakes;

(iii) Preapplication meetings with prospective applicants to address technical issues;

(iv) Written receipts to the applicant upon submission of an application; and

(v) The status of active applications.

(b) (1) This subsection applies to permits which are:

(i) Identified in § 1-601(a) of this subtitle; or

(ii) Issued under Title 5, Subtitle 9 of this article.

(2) The Department shall provide to the applicant:

(i) A notice of completed application; or

(ii) If the Department determines that the application is incomplete, the reasons, in writing, that the application was determined to be incomplete.

(3) (i) For permits identified in § 1–601(a) of this subtitle, the notice of completed application shall include an estimated time for issuance of the tentative determination if requested by the applicant.

(ii) For permits issued under Title 5, Subtitle 9 of this article, the notice of completed application shall include an estimate of the date by which the Department will grant, deny, or condition the permit.

(4) A permit applicant may apply to the Department for a refund of all or a portion of the application fee if:

(i) 1. For permits identified in § 1–601(a) of this subtitle, the Department fails to issue a tentative determination regarding the application within the estimated time provided in the notice of completed application; or

2. For permits issued under Title 5, Subtitle 9 of this article, the Department fails to grant, deny, or condition a permit within the time periods provided under § 5–906 of this article;

(ii) The applicant demonstrates that the delay was caused solely by the Department and was not the result of procedures or requirements outside the control of the Department, including:

1. Reviews by federal, local, or other State government agencies;

2. Procedures for public participation; or

3. The failure of the applicant to submit information to the Department in a timely manner; and

(iii) 1. For permits identified in § 1–601(a) of this subtitle, the applicant applies to the Department within 60 days after the estimated time for issuance of a tentative determination; or

2. For permits issued under Title 5, Subtitle 9 of this article, the applicant applies to the Department within 60 days after the date by which the Department was to have granted, denied, or conditioned a permit under the time periods provided under § 5–906 of this article.

(5) The Secretary, or the Secretary's designee, shall review the refund request and determine if a refund of any amount is appropriate.

(6) If the Secretary denies the refund request, the Department shall provide the applicant a written explanation of the denial and of the procedures and requirements outside the control of the Department on which the denial was based within 60 days.

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